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UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 12-70449-MAG
)	
Plaintiff,)	ORDER AND STIPULATION FOR
)	CONTINUANCE FROM MAY 4, 2012
v.)	AND MAY 7, 2012 TO JUNE 15, 2012
)	AND EXCLUDING TIME FROM THE
VICTOR HUGO SANCHEZ, MILTON)	SPEEDY TRIAL ACT CALCULATION
GAMEZ FIERRO, JAMEX EUGENIO)	(18 U.S.C. § 3161(h)(8)(A)) AND
CORONEL, PAMELA LUNA,)	WAIVING TIME LIMITS UNDER RULE
ALEJANDRO PARRA-SOLARIA, JAIME)	5.1
BARRERA OREGEL)	
Defendants.		

Each of the defendants in this case appeared before Magistrate Judge Kandis Westmore and was arraigned on the criminal complaint. The current schedule for preliminary hearings in this matter is as follows:

Sanchez-Espino:	Friday, May 4, 2012
Coronel:	Friday, May 4, 2012
Parra-Solaria:	Friday, May 4, 2012
Fierro:	Monday, May 7, 2012
Luna:	Monday, May 7, 2012

Oregel: Friday, June 15, 2012

The government is engaged in plea negotiations with a number of the defendants and is preparing to produce voluminous discovery to the defendants on Friday, May 4, 2012. After discussions between the government and counsel for the defendants, three of the defendants whose preliminary hearings are currently set for May 4, 2012 and May 7, 2012 - FIERRO, LUNA, and PARRA-SOLARIA - now believe it is in their best interests to postpone the preliminary hearing date to June 15, 2012 in order to explore the possibility of a pre-Indictment resolution of the case. With the agreement of FIERRO, LUNA, and PARRA-SOLARIA and the government, and with the consent of FIERRO, LUNA, and PARRA-SOLARIA, the Court enters this order scheduling an arraignment or preliminary hearing date of June 15, 2012 at 9:30 a.m. before the duty magistrate judge, and documenting the waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from May 4, 2012 to June 15, 2012 as to defendant PARRA-SOLARIA and from May 7, 2012 to June 15, 2012 as to defendants LUNA and FIERRO. The parties agree, and the Court finds and holds, as follows:

1. FIERRO, LUNA, and PARRA-SOLARIA agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

2. FIERRO, LUNA, and PARRA-SOLARIA waive the time limits of Federal Rule of Criminal Procedure 5.1 for preliminary hearing.

4. Counsel for FIERRO, LUNA, and PARRA-SOLARIA believe that postponing the preliminary hearing is in their clients' best interests, and that it is not in their clients' interest for the United States to indict the case during the normal timeline established in Rule 5.1.

5. The Court finds that, taking into the account the public interest in the prompt disposition of criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court finds that the ends of justice served by excluding the period from May 4, 2012 to June 15, 2012 as to defendant PARRA-SOLARIA and from May 7, 2012 to June 15, 2012 as to

defendants LUNA and FIERRO, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary hearing date before the duty magistrate judge on June 15, 2012 at 9:30 a.m., and (2) orders that the period from May 4, 2012 to June 15, 2012 as to defendant PARRA-SOLARIA and from May 7, 2012 to June 15, 2012 as to defendants LUNA and FIERRO, be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED:

DATED: May 2, 2012

/s/
CHRISTOPHER CANNON
Attorney for Defendant ALEJANDRO PARRA-SOLARIA

DATED: May 2, 2012

/s/
BRIAN BERSON
Attorney for Defendant PAMELA LUNA

DATED: May 2, 2012

/s/
DAVID ANDERSEN
Attorney for Defendant MILTON GAMEZ FIERRO,

DATED: May 2, 2012

/s/
RANDY S. LUSKEY
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 5/3/2012



HON. DONNA M. RYU
United States Magistrate Judge